

Notice of Allowability

Application No.

10/790,202

Examiner

Prabodh M. Dharia

Applicant(s)

GRIFFIN, JASON T.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09-21-2007.
2. ☒ The allowed claim(s) is/are 7 and 9-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. **Status:** Please all the replies and correspondence should be addressed to Examiner's new art unit 2629. Receipt is acknowledged of papers submitted on 09-20-2007 under amendments and request for reconsideration, which have been placed of record in the file. Claims 7 and 9-11 are pending in this action. Claim 1-6 and 8 are cancelled.

Response to Amendment

2. Applicant has amended objected dependent claim 7 by adding limitations of independent claim 4 and cancelled claims 1-6, 8 to expedite allowability of the instant application.

Applicant's arguments, see Remarks, filed on 09-20-2007 and 05-31-07, with respect to Claim 7, 9-11 regarding "thumbwheel subassembly is oriented so that a direction of depressible input movement of said thumbwheel, when projected onto a plane substantially parallel to a plane of said flat display screen, is substantially aligned with a direction of a push by a user's thumb or finger that includes a measurable component of downward force at an angle in a range of approximately 2 degrees to approximately 10 degrees with respect to a direction from a first point on a side of said housing having said opening to a second point directly across from said first point on an opposite side of said housing." have been fully considered, extensively searched in prior art and US-PGPUB and are persuasive as they do overcome prior art rejection; which puts application number 10790202 in condition for allowance.

3. Applicant has amended objected dependent claim 7 by adding limitations of independent claim 4 and cancelled claims 1-6, 8 to expedite allowability of the instant application. The amended claim 7 has no new matters added. The amended claim does have support in disclosure.

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4. Claims 7 and 9-11 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Applicant has amended objected dependent claim 7 by adding limitations of independent claim 4 and cancelled claims 1-6, 8 to expedite allowability of the instant application.

Applicant's arguments filed on 09-20-2007 and 05-31-2007 are convincing. As argued by applicant in remarks under claim rejection the prior art of Griffin et al. (US 20030076292 A1) fails to show how it will restrict the thumbwheel movement to 2-10 degrees, where instant application claims housing is constructed to restrict the movement of the thumbwheel to 2-10 degrees angle range, therefore Griffin et al. (US 20030076292 A1), extensively searched prior art as well search in PGPUB to fails to recite or disclose the uniquely distinct features of the independent claims limitations below with all the other limitations recited in independent claims:

thumbwheel subassembly is oriented so that a direction of depressible input movement of said thumbwheel, when projected onto a plane substantially parallel to a plane of said flat display screen, is substantially aligned with a direction of a push by a user's thumb or finger that includes a measurable component of downward force at an angle in a range of approximately 2 degrees to approximately 10 degrees with respect to a direction from a first point on a side of said housing having said opening to a second point directly across from said first point on an opposite side of said housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 571-272-7668.

The examiner can normally be reached on M-F 8AM to 5PM.

7. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231



Prabodh Dharia

AU2629

Full Signatory Authority Program

September 21, 2007